

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

IN RE:

**MARITIME COMMUNICATIONS/
LAND MOBILE, LLC,**

CASE NO. 11-13463-NPO

DEBTOR.

CHAPTER 11

**ORDER DENYING SKYTEL'S MOTION
FOR LEAVE TO FILE REPLY TO SOUTHEASTERN
COMMERCIAL FINANCE, LLC'S RESPONSE TO SKYTEL'S
MOTION AND REQUEST FOR CERTIFICATION OF DIRECT APPEAL**

This matter came before the Court on Skytel's Motion for Leave to File Reply to Southeastern Commercial Finance, LLC's Response to Skytel's Motion and Request for Certification of Direct Appeal (the "Motion") (Dkt. 1091) filed by Warren Havens, Skybridge Spectrum Foundation, Verde Systems LLC, Environmental LLC, Intelligent Transportation & Monitoring LLC, and Telesaurus Holdings GB LLC (collectively, "SkyTel") in the above-referenced bankruptcy case (the "Case"). Skytel also filed, without permission from the Court, the Reply to Southeastern Commercial Finance, LLC's Response to SkyTel's Motion and Request for Certification of Direct Appeal (the "Reply") (Dkt. 1092). The Court, having considered the matter, finds for the following reasons that the Motion should be denied and that the Reply should be removed from the docket:

(1) Rule 8001(f) of the Federal Rules of Bankruptcy Procedure ("Rule 8001(f)") governs the procedure for filing a request for certification of a "judgment, order or decree of a bankruptcy court" to the court of appeals under 28 U.S.C. § 158(d)(2). *See* FED. R. BANKR. P. 8001(f)(1). Rule 8001(f) allows a party to file a response to a request for certification but does not authorize a party who files a request for certification also to

file a reply to a response. FED. R. BANKR. P. 8001(f)(3)(D). In that regard, Rule 8001(f) specifies that a request for certification is not governed by the same procedures required for contested matters pursuant to Rule 9014 of the Federal Rules of Bankruptcy Procedure. FED. R. BANKR. P. 8001(f)(3)(E).

Turning to the Case, Skytel filed the Motion and Request for Certification of Direct Appeal to the United States Court of Appeals for the Fifth Circuit (the “Request for Direct Certification”) (Dkt. 1044) on March 12, 2013. On March 26, 2013, Southeastern Commercial Finance, LLC filed a timely Response to Skytel’s Motion and Request for Certification of Direct Appeal (“Response”) (Dkt. 1061). In the Motion, Skytel seeks leave of Court “*nunc pro tunc* to April 26, 2013,” to file a reply, ostensibly to address allegedly “inaccurate and/or misleading statements” in the Response. As previously stated, Rule 8001(f), however, does not authorize Skytel to file such a reply.

(2) Skytel filed the Motion thirty-one (31) days after Southern Commercial Finance, LLC filed the Response, and only six (6) days prior to the hearing on the Request for Direct Certification, which has been set for May 2, 2013. Even if the Court were inclined to grant the Motion, Skytel did not file it in a timely manner to avoid undue prejudice.

(3) Skytel will have ample opportunity to present its argument regarding the Response at the hearing on the Request for Direct Certification on May 2, 2013. Thus, Skytel will not sustain any prejudice as the result of denying the Motion prior to the hearing.

IT IS, THEREFORE, ORDERED that the Motion is hereby denied.

IT IS FURTHER ORDERED that the Clerk shall remove the Reply from the docket.

SO ORDERED.

A handwritten signature in blue ink, reading "Neil P. Olack", is positioned above a horizontal line.

Neil P. Olack
United States Bankruptcy Judge
Dated: April 29, 2013